Amendments to the Specification

Please replace the paragraph beginning on page 9, line 20 with the following amended paragraph:

As an insert that can be installed directly into the framework or outer structure portion of an in-ground pool or spa, the footwell of the spa can be set directly on the floor of the surrounding in-ground structure. The flat flange 126 at the spa cap allows for integral fitting to the upper wall of the surrounding structure. In these embodiments, this flange could sit on the gunite portion of the spa bond beam and dam wall, and can be fastened using a variety of fastening means (e.g., stainless steel or bronze bolts or fasteners), directly to the bond beam and dam wall to prevent any movement or separation from the pool/spa shell. The flat upper flange 126 is constructed so as to support the entire weight of the spa on the rim of the gunite spa cavity. The insert is also capable of being installed in a balanced manner, supported by both the flat upper lip 126 and the bottom footwell, without the use of sandbags.

Please replace the paragraph beginning on page 12, line 21 with the following amended paragraph:

Also illustrated in Figure 3 is the fixing of the insert 300 to cavity 306 through bolts 302. The spa insert may be first glued or bonded to the top of the spa cavity 306 then fixed by securing elements and fasteners, such as bolts 302, twist lock fasteners, screws, or similar means, to provide a robust and secure installation. The twist lock fasteners can be substituted for the bolts.

Please replace the paragraph beginning on page 13, line 3 with the following amended paragraph:

Figure 4A is a top view of the spa insert illustrated in Figure 1. The spa insert includes a footwell 402, which is surrounded by a bench 403. A step 408 may be provided to facilitate entry to the spa. The spa flange 404 surrounds the side of the spa insert and may include a plurality of bolt holes (e.g., 3/8" holes or similar depending on the size of the bolt or fastener) 410 for attachment of the insert to the spa cavity. Securing elements such as bolts 302 travel directly down through the upper lip and attach to the gunite spa cavity. The top surface of the flange 404 may be scored in a random or cross-hatch pattern 412 to facilitate the bonding of masonry along the edge of the spa assembly. Figure 4B illustrates a detailed cross-sectional side view of the flange 404 showing the scored surface 412. For affixing the masonry to the top of the flange, an epoxy 414 or similar adhesive may be used. Scoring the flange helps strengthen the adhesive bond between the masonry and the spa insert. Instead of scoring the flange surface after construction, the spa flange and/or the cavity mating surface can be manufactured in a very rough surface to allow the transition from a plastic or acrylic base material to a mortar or cement base material.

Please replace the paragraph beginning on page 15, line 1 with the following amended paragraph:

Operating controls 325 for controlling various factors such as water temperature, jet flow, and the like can be located in a single, readily accessible window region on the side of the tub surface. Basic plumbing controls 330 can also be located in a single, readily accessible window region. The controls may be provided at a console that is separate and outside of the spa. For configurations in which the controls are placed within the spa and below the waterline of the tub, a waterproof console with touchbutton or similar controls can be provided.

Please replace the paragraph beginning on page 16, line 3 with the following amended paragraph:

As shown in Figure 7, one installation advantage of embodiments of the present invention pertains to the simplicity of matching the surrounding masonry. The flat flanged portion of the spa insert allows masonry (i.e., brick, rock, coping stone, etc.) to be installed in a more preferable fashion to the pool/spa, keeping the appearance of a traditional in-ground pool/spa. In some embodiments, a notch is located below the flat fastening lip of the spa to allow installation of traditional waterline tile or masonry in a novel manner. This notch is illustrated as element 214 in Figure 2 and element 612 of Figure 6. The notch can be designed in a variety of different sizes depending upon the design and installation constraints. For the embodiment illustrated in Figure 2, the notch 214 is shaped in a size approximately between four to six inches in height to one to two inches in depth ~~six inches high by one and one-half inch deep~~. Figure 7 illustrates the placement of tiles or similar items 704 within such a notch in the final finished spa assembly.